



**Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter of Whether Land Located in the
Town of Minocqua, Oneida County, Wisconsin, and
Owned by James & Bernadine Warning,
DPW Properties I, LLC and Gregg D &
Kimberly K. Walker enrolled under Managed
Forest Law Order Nos. 44-056-2003, 44-118-1998,
44-119-1998, 44-103-1998, 44-115-1998, and
44-117-1998, Shall Continue as Managed Forest Law land

Case Nos. DNR-14-055
and DNR-14-057

NOTICE OF HEARING

The Department of Natural Resources (DNR or Department) on its own motion has investigated and seeks a hearing to determine whether the following lands in the Town of Minocqua in Oneida County should continue as Managed Forest Law land under Wis. Stat. § 77.88(1).

MFL Order #	Owner	Acres	Quarter-Quarter	Town	Range	Section
44-056-2003	James & Bernadine Warning	40.000	SWSE	39 N	04 E	33
44-118-1998	James & Bernadine Warning	160.000	NENE NWNE NENW NWNW	38 N	04 E	09
		80.000	NWSW SWSW	39 N	04 E	33
44-119-1998	James & Bernadine Warning	40.000	SWNW	38 N	04 E	03
		200.000	FR E½N½NE¼ SESE NWSE NESE SWNE	38 N	04 E	04
		200.00	SWSE NWSE SESW NWSW NESW	39 N	04 E	28
		320.000	NWNE	39 N	04 E	33

			NWSE SESW NESW SENW NENW SWNE SESE			
44-103-1998	DPW Properties I LLC	40.000	NWSW	39 N	04 E	22
44-115-1998	Gregg D & Kimberly K Walker	80.000	SWSW SESW	39 N	04 E	34
44-117-1998	Gregg D & Kimberly K Walker	120.000	NENE SENE SENW	39 N	04 E	28
		80.000	NWNW SWNW	39 N	04 E	29

The Department alleges that the lands described in the table above do not meet the minimum productivity requirements for continued eligibility for enrollment in the Managed Forest Law. Specifically, the lands described in the table above represent either 1) a parcel of land of which less than 80% is producing or capable of producing a minimum of 20 cubic feet of merchantable timber per acre per year, in violation of Wis. Stat. § 77.82(1)(a)(2), or 2) a parcel of land of which greater than 20% consists of land that is unsuitable for producing merchantable timber, in violation of Wis. Stat. § 77.82(1)(b)(1).

Through the authority provided in Wis. Stat. § 77.88(1)(b)(1), the Department conducted an investigation and ordered the withdrawal of the Managed Forest Law lands described in the table above for failure of the land to conform to the eligibility requirements under Wis. Stat. § 77.82(1).

NOTICE IS HEREBY GIVEN that the State of Wisconsin Division of Hearings and Appeals will hold a hearing pursuant to Wis. Stat. §§ 77.82(1)(a)(1), 77.82(1)(a)(2), 77.82(1)(b)(1), 77.82(2), 77.88(1)(a), 77.88(2)(a), 77.88(2)(am), 77.88(5), 77.88(5m), 77.88(9), and Wis. Admin. Code ch. NR 46.15 (25), 46.18(4) and 46.22(1), at **9:00 a.m. on January 29, 2015**, in the Torpy Room at the Minocqua Community Center, 415 Menominee Street, Minocqua, Wisconsin. The hearing may result in the Department canceling entry of the description of such land as Managed Forest Law land and ordering withdrawal of such land from the Managed Forest Law program under Wis. Stat. ch. 77.

The hearing is a Class 2 contested case pursuant to Wis. Stat. § 227.01(3)(b), and the fair play provisions of Wis. Stat. ch. 227 will apply. The procedures relating to contested cases set forth in Wis. Admin. Code ch. NR 2 will be followed. The procedure that will be followed at the public hearing will closely resemble that normally followed at a court hearing. All parties are advised that they have the right to seek the aid and assistance of legal counsel and to be represented by legal counsel at the public hearing.

Pursuant to the Americans With Disabilities Act, reasonable accommodations will be made to any qualified individual upon request. Please call the Division of Hearings and Appeals at (608) 266-3865 with specific information on your request at least 10 days before the date of the scheduled hearing.

Dated at Madison, Wisconsin on October 24, 2014.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
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By: _____
Jeffrey D. Boldt
Administrative Law Judge